

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO.: 1:24-cv-22149-DSL**

**Tushbaby, Inc.,**  
Plaintiff,  
v.

**Fleerose,**  
Defendant.

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**MOTION TO CONSOLIDATE**

The defendant Fleerose (“Fleerose”), by and through its undersigned counsel, hereby requests that this Court consolidate this case with another case *Tushbaby v. Fleerose et al*, Case No. 24-cv-21136 that Plaintiff filed in Southern District Court of Florida pursuant to Fed. R.C.P. 20 and states as follows:

**I. LEGAL STANDARD**

Fed. R. Civ. P. 42 provides:

(a) CONSOLIDATION. If actions before the court involve a common question of law or fact, the court may:

- (1) join for hearing or trial any or all matters at issue in the actions;
- (2) consolidate the actions; or

....

Fed. R. Civ. P. 42.

**II. MEMORANDUM OF LAWS AND ARGUMENT**

**A. Common Question of Law.**

This case, as Plaintiff pleaded in its Complaint, involves the question of law of whether or not Plaintiff’s trade dress and copyright are valid, which is shared by Plaintiff’s another case *Tushbaby v. Fleerose et al*, No. 24-cv-21136, FLSD (“21136” hereafter). A copy of the complaint

of 21136 is attached as Exhibit “A” herein. The declaratory judgment Plaintiff sought here, is to seek this Court’s adjudication that Plaintiff did not infringe Defendant’s patent, which is also the core claims pleaded by Defendant in its counterclaim in 21136. See Exhibit “B” for Defendant’s Answer and Counterclaim in 21136, p. 24-27.

**B. Common Question of Facts.**

Plaintiff’s pleading of facts, mostly are based on the pleading in 21136. See Exhibit “A,” Complaint of 24-cv-21136, generally.

The portion of facts different from Plaintiff’s pleading in 21136, were pleaded by Defendant in its Counterclaim filed under 21136.

**C. Conclusion.**

For judicial economy, the case 24-cv-21136 and this case should be consolidated.

**WHEREFORE**, The defendant Fleerose, by and through its undersigned counsel, hereby requests that this Court consolidate this case with another case *Tushbaby v. Fleerose et al*, Case No. 24-cv-21136 that Plaintiff filed in Souther District Court of Florida pursuant to Fed. R.C.P. 20.

Dated: Oct. 16, 2024

/s/ Jianyin Liu

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**CERTIFICATE OF GOOD-FAITH CONFERRAL**

I certify that I have conferred with the opposing counsel for the issues in the instant motion and the opposing counsel did not object to the consolidation.

/s/ Jianyin Liu

**CERTIFICATE OF SERVICE**

I certify that this document has been served to all parties on record via CM/ECF on this Oct. 16, 2024.

/s/ Jianyin Liu